

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 76-82 (as amended)

Introduced by Councilman Rahl1Legislative Day No. 76-32Date: September 21, 1976

AN ACT to repeal Ordinance No. 26 of Harford County, Maryland, heading, "Grading and Sediment Control HARFORD COUNTY GRADING AND SEDIMENT CONTROL ORDINANCE", and to enact in lieu thereof a new Chapter 10, heading, "Sediment Control", to be added to the Harford County Code (1975); and to add new Article 1, heading, "In General", to Chapter 10 of said Code; to provide for definitions; permit requirements for certain land disturbing activities; permit application requirements, procedures to govern major modifications of approved plans; conditions of permit issuance; permit revocation and suspension for failure to conform to approved plans, specifications and regulations; performance bonds of amounts dependent upon the area involved in land disturbing activity; inspection of land disturbing activity, including procedures where water retention structures have been provided; prohibited conduct involving land disturbing activities; procedures for adopting administrative rules and regulations, subject areas for such rules and regulations; and to provide for penalties.

By the Council, September 21, 1976

Introduced, read first time, ordered posted and public hearing scheduled

on: October 19, 1976at: 7:00 P.M.By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill having been published according to the Charter, a public hearing was held on October 19, 1976 and concluded on November 2, 1976.

Angela Markowski, SecretaryBILL NO. **76-82**
AS AMENDED

1 Section 1. *Be It Enacted By The County Council Of Harford County,*
2 *Maryland*, that Ordinance No. 26, heading, "Grading and Sediment
3 Control HARFORD COUNTY GRADING AND SEDIMENT CONTROL ORDINANCE",
4 be, and it is hereby repealed, and that new Chapter 10, heading,
5 "Sediment Control", be, and it is hereby added to the Harford
6 County Code (1975), and that new Article 1, heading, "In General",
7 be, and it is hereby added to Chapter 10 of the Harford County
8 Code (1975), all to read as follows:

9 CHAPTER 10. SEDIMENT CONTROL.

10 ARTICLE 1. IN GENERAL.

11 Section 10-1. Definitions.

12 (a) For the purposes of this Article, the following
13 words and phrases shall have the meanings respectively ascribed
14 to them by this Section:

15 (1) Approved Plan. A set of representational
16 drawings or other documents submitted by an applicant as a
17 prerequisite to obtaining a sediment control permit and containing
18 such information and specifications as required by the Department
19 and the District under regulations adopted in accordance with
20 established procedures in order to minimize off-site sedimentation
21 from land disturbing activities, and approved by the District as
22 being adequate to meet the requirements of Title 8, Subtitle 11,
23 Natural Resources, Annotated Code of Maryland, 1974, and approved
24 by the Department as being adequate to meet the provisions of
25 this Article.

26 (2) Department. The Department of Public Works.

27 (3) Developer. A person, partnership or
28 corporation constructing more than one (1) house, or one (1)
29 house or building for occupancy by other than the builder.

30 (4) Director. The Director of the Department of
31 Public Works.

32 (5) District. The Harford Soil Conservation

1 District.

2 (6) Erosion. The process by which the ground
3 surface is worn by the action of wind or water.

4 (7) Excavating. Any act by which soil, earth,
5 sand, gravel, rock or any similar material is cut into, dug,
6 quarried, uncovered, removed, displaced, relocated or bulldozed,
7 and shall include the conditions resulting therefrom.

8 (8) Fence, approved. A permanent, semi-permanent
9 or portable fence not less than forty-two (42) inches in height
10 so constructed and so located as approved by the permit, to
11 surround sediment basins, steep excavations or ponding areas
12 where it is necessary for the preservation of the health, safety
13 and general welfare of the public or necessary to prevent possible
14 point or non-point sources of pollution.

15 (9) Fill, Filled, Filling. Any act by which soil,
16 earth, sand, gravel, rock or any similar material is deposited,
17 placed, pushed, pulled or transported and shall include the
18 conditions resulting therefrom.

19 (10) Finished Grade. The final grade or elevation
20 of the ground surface which shall conform to the approved grading
21 plan.

22 (11) Grading. Any act by which soil is cleared,
23 stripped, stockpiled, filled or any combination thereof.

24 (12) Inspector. The representative of the Director
25 of the Department of Public Works assigned to approve or
26 disapprove any plans, permits or work.

27 (13) Land Disturbing Activity. Any earth movement
28 and land changes which may result in soil erosion from water or
29 wind and the movement of sediments into any waters or waterways
30 or onto any lands in the State, including, but not limited to,
31 tilling, clearing, grading, excavating, stripping, filling and
32 related activities and the covering of land surfaces with an

1 impermeable material.

2 (14) Natural Ground Surface. The ground surface
3 in its existing state before grading, stripping, excavating or
4 filling, and other land disturbing activities commence or continue
5 after the effective date of this Act.

6 (15) Permit. The County sediment control permit
7 issued by the Department authorizing land disturbing activities
8 in accordance with the requirements in this Article.

9 (16) Permittee. Any person to whom a permit is
10 issued pursuant to this Article.

11 (17) Person. Any person, corporation, partnership,
12 joint venture, agency, unincorporated association, municipal
13 corporation, County or State agency within the State or any
14 combination thereof.

15 (18) Professional Engineer. An engineer duly
16 registered by the State to practice professional engineering
17 under the requirements of Article 75 1/2 of the Annotated Code
18 of Maryland, 1957, as amended.

19 (19) Professional Land Surveyor. A person who has
20 been duly registered and licensed under the requirements of
21 Article 75 1/2 of the Annotated Code of Maryland, 1957, as amended.

22 (20) Sediment. Soils or other surface or subsurface
23 materials transportated by wind or surface water as a product of
24 erosion.

25 (21) Site. Any conterminous lots, tracts or parcels
26 of land or a series thereof, where grading, excavating or filling
27 is, was or will be performed.

28 (22) Slope. The inclined surface of a fill,
29 excavation or natural terrain.

30 (23) Soil. Any earth, sand, gravel, rock or any
31 other similar material.

32 (24) Stripping. Any activity which removes the

1 vegetative surface cover including tree removal, clearing,
2 grubbing and storage or removal of top soil.

3 (25) Watercourse or Drainageway. Any natural or
4 artificial watercourse, including, but not limited to, streams,
5 rivers, creeks, ditches, channels, canals, conduits, culverts,
6 drains, waterways, gullies, ravines or washes, in which water
7 flows in a definite direction or course, either continuously or
8 intermittently; and including any area adjacent thereto which
9 is subject to inundation by reason of overflow or floodwater.

10 (26) NORMAL AGRICULTURAL PRACTICES. THOSE DEVICES
11 AND PROCEDURES UTILIZED IN THE CULTIVATION OF LAND IN ORDER TO
12 FURTHER CROP AND LIVESTOCK PRODUCTION, AND CONSERVATION OF RELATED
13 SOIL AND WATER RESOURCES. ROADS OR SIMILAR ACCESS CONSTRUCTION FOR
14 LOGGING AND TIMBER REMOVAL OPERATIONS SHALL NOT BE CONSIDERED PART
15 OF THIS DEFINITION.

16 Section 10-2. Permits.

17 (a) No person shall engage in any land disturbing
18 activity without first obtaining a permit from the Department of
19 Public Works, except as provided for in this Article.

20 (b) Nothing set forth in this Article shall be construed
21 to be in conflict with Title 8, Subtitle 11, Natural Resources,
22 Annotated Code of Maryland, 1974, as amended. As provided by the
23 Annotated Code of Maryland, any individual or group of individuals
24 can be held responsible for the pollution of State waters
25 regardless of any exemption clause included in this Article.

26 (c) No permit shall be required under this Article for
27 the following:

28 (1) Except for wetlands (see Section 10-3(b)(10)),
29 any minor land disturbing activity involving less than five
30 hundred (500) cubic yards of earth movements, in any continuous
31 twelve (12) month period and involving less than twenty-two
32 thousand (22,000) square feet of disturbed surface area, and

1 which is promptly stabilized to prevent erosion and sedimentation.

2 (2) Normal agricultural practices such as tillage
3 or cultivation of the soil in the production of crops and the
4 construction of agricultural conservation structures.

5 (3) Individual private septic systems which do
6 not alter the natural terrain.

7 (4) Authorized Harford County capital improvement
8 and public works projects, provided that sediment and erosion
9 control measures have been and are being employed in accordance
10 with an approved plan for grading, erosion and sediment control
11 approved by the Harford Soil Conservation District.

12 (5) Grading and trenching for utility installations
13 does not require an approved sediment control plan. However,
14 any sediment control structures that are disturbed by a utility
15 installation must be re-established within forty-eight (48) hours;
16 except that those structures disturbed by gas line installation
17 or maintenance must be re-established within thirty (30) days;
18 IMMEDIATELY.

19 (d) Except as provided for above, exemption from
20 obtaining a permit does not exempt the projects listed in
21 Paragraphs (1), (2), (3) and (4) , (4) AND (5) of Subsection (c)
22 of this Section from other provisions of this Article including
23 inspection. However, exemption from obtaining a permit also
24 exempts the permittee from the bonding and liability insurance
25 requirements.

26 Section 10-3. Application for a Permit.

27 (a) To obtain a permit, an applicant shall first file
28 an application therefor, in writing, upon forms furnished by the
29 Department. The application must be signed by the owner of the
30 property, or an authorized agent, where the land disturbing
31 activity is to be performed. If the owner is a corporation, it
32 must be signed by the president or vice-president, attested by the

1 secretary or assistant secretary and the corporate seal affixed.
2 The application shall be accompanied by the permit fee and scale
3 plans or drawings, including a grading, erosion and sediment
4 control plan, approval of the State Department of Natural
5 Resources where applicable, and a bond as required in Section
6 10-10.

7 (b) Except for land disturbing activities of less than
8 eighteen (18) inches depth at any one (1) point on the site; The
9 plans accompanying the application shall be prepared and certified
10 by a professional engineer, land surveyor or architect. The
11 Standards and Specifications for Soil Erosion and Sediment Control
12 in Developing Areas as approved by the Water Resources Administra-
13 tion shall serve as the official standard for erosion and
14 sediment control in Harford County. They shall contain the
15 following:

16 (1) A vicinity sketch and boundary line delineation
17 of the site for which the permit is sought and on which the work
18 is to be performed.

19 (2) Location of any buildings, structures, utilities,
20 sewers, water and storm drains on the site where the work is to
21 be performed.

22 (3) Relationship of site to surrounding land:
23 existing topography, drainage and structures.

24 (4) Elevations and/or contours, dimensions,
25 location and extent of all work proposed to be done, and the
26 existing elevations and/or contours of the land.

27 (5) A certification of the quantity of excavation
28 and fill involved; and, area affected by the land disturbing
29 activity in square feet, that being the total site area less that
30 area to remain undisturbed and certified as having effective
31 erosion resistant ground cover.

32 (6) Detailed plans of all drainage provisions,

1 retaining walls, cribbing, vegetative practices, erosion and
2 sediment control measures, location of approved fences around
3 sediment basins, steep excavations or ponding areas and other
4 protective devices to be constructed in connection with, or as
5 a part of, the proposed work, together with a map showing the
6 drainage area of land tributary to the site, and estimated cubic
7 foot per second runoff of the area served by any drain.

8 (7) A timing schedule and sequence indicating the
9 anticipated starting and completion dates of the development
10 sequence, stripping and/or clearing, rough grading and construction,
11 final grading and vegetative establishment and maintenance and
12 the time of exposure of each area prior to the completion of
13 effective erosion and sediment control measures.

14 (8) A clear and definite delineation of the limits
15 of work (i.e. showing areas to remain undisturbed and showing
16 areas to be disturbed).

17 (9) Other plans, drawings or materials and
18 information as required by the Department or the District.

19 (10) Special consideration shall be given to
20 preservation of wetlands. As a minimum the following shall
21 be adhered to:

22 (A) Buffer areas of seventy-five (75) feet
23 shall be preserved or installed and maintained in accordance with
24 the Standards and Specifications mentioned above in order to
25 insure wetland protection.

26 (B) Grading within seventy-five (75) feet of
27 wetlands shall be prohibited unless instituted to install protection
28 as addressed above. Grading should be kept to a minimum to insure
29 the integrity of the natural habitat of the area.

30 (C) Fill material shall be kept out of the
31 wetlands unless permission is granted by a special permit from
32 the Board of Appeals.

1 (D) Storm drainage, because storm drains
2 tend to increase the velocity of water runoff and carry
3 pollutants directly to fragile wetlands; discharge velocity
4 shall be reduced to four (4) feet per second in storm drains
5 that discharge directly into wetlands (private or State);

6 (A) VEGETATIVE TIDAL BANK STABILIZATION IN
7 ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS FOR SOIL EROSION
8 AND SEDIMENT CONTROL IN DEVELOPING AREAS AS APPROVED BY THE WATER
9 RESOURCES ADMINISTRATION.

10 (B) BUFFER AREAS OF SEVENTY-FIVE (75) FEET
11 SHALL BE PRESERVED OR INSTALLED IN ADDITION TO THE VEGETATIVE TIDAL
12 BANK STABILIZATION.

13 (C) GRADING OF WETLANDS SHALL BE PROHIBITED
14 UNLESS INSTITUTED TO INSTALL PROTECTION AS ADDRESSED ABOVE.

15 (D) FILL MATERIAL SHALL BE KEPT OUT OF THE
16 WETLANDS UNLESS PERMISSION IS GRANTED BY A SPECIAL PERMIT FROM THE
17 BOARD OF APPEALS.

18 (E) DIRECT STORM DRAINAGE DISCHARGE INTO
19 WETLANDS SHALL BE REDUCED TO FOUR (4) FEET PER SECOND (PRIVATE
20 OR STATE).

21 (c) The Department may waive the requirement for scale
22 plans or drawings if it finds that the information on the
23 application is sufficient to show that the work will conform to
24 the requirements of this Article, provided that no such waiver
25 shall be construed as waiving the requirements of the District.

26 (d) A separate permit shall be required for each
27 separate noncontiguous site.

28 (e) No permit shall be transferable without the
29 written consent of the Department.

30 (f) No permit shall be issued for land disturbance
31 which is for building or development not permitted by existing
32 zoning, special exceptions and variances applicable to the land.

1 Section 10-4. Permits - Referral of Plans.

2 Prior to the issuance of a permit, a copy of the plan
3 shall be referred to the District for review and approval of the
4 proposed erosion and sediment control measures, and shall be
5 referred to the Department of Natural Resources where required by
6 State law. The Department of Natural Resources and the District
7 shall, within thirty (30) days, notify the Department of their
8 recommendations and/or approval so that the applicant may be
9 notified in a timely manner.

10 Section 10-5. Permits - Modification of Plans.

11 (a) Major modifications of the approved plans shall be
12 submitted to the Department and reprocessed in the same manner as
13 the original plan and referred in accordance with Section 10-4
14 of this Article where:

15 (1) Inspection has revealed the inadequacy of the
16 plan to accomplish the erosion and sediment objectives of the
17 plan, and appropriate modifications to correct the deficiency of
18 the plan are approved by the District.

19 (2) The person responsible for carrying out the
20 approved plan finds that because of changed circumstances or for
21 other reasons the approved plan cannot be effectively carried out
22 and proposes revisions to the plan that are consistent with the
23 requirements of this ordinance and rules and regulations
24 promulgated pursuant thereto and the District and Department approve
25 the proposed revisions.

26 (3) The Department may, in emergency situations
27 and at its discretion, order repairs or modifications in order to
28 protect stream channels, other properties or the general public
29 from damage, to remain in effect until such modifications or
30 revisions to the plan shall have been approved and implemented.

31 (b) Field modifications of a minor nature where such
32 changes do not render the plan ineffective may be authorized by

1 the Department provided that written authorization is given to the
2 person performing work pursuant to this Article with a copy
3 forwarded in a timely manner to the District.

4 Section 10-6. Fees.

5 The Department shall, by regulation, prior to the issuance
6 of any permit, establish permit and inspection fees and set
7 nonrefundable fee schedules for filing, additional submissions
8 and permit extensions in an amount not to exceed the reasonable
9 cost of administering and enforcing this Article. Such fees may
10 be based upon reasonable classifications of land disturbing
11 activities.

12 Section 10-7. Fees - Conditions Upon Issuance.

13 In granting any permit, the Director may attach such
14 conditions thereto as he may deem reasonably necessary to
15 prevent sedimentation or pollution to public or private property
16 or any sewer, storm drain or watercourse; to prevent the operation
17 from being conducted in a manner hazardous to life or property,
18 or in a manner likely to create a nuisance or source of pollution.
19 Such conditions may include, but are not limited to, the erection
20 or installation of walls, drains, dams and structures, plantings,
21 erosion and sediment control measures or devices, furnishing
22 necessary easements and a specified method of performing the work
23 which shall be identified on the sediment control plan submitted
24 for approval. No permit shall be issued until a sediment control
25 plan is approved by the District, and the owner certifies that
26 all land disturbing activities shall be performed pursuant to the
27 sediment control plan and modifications incorporated pursuant to
28 Section 10-5 herein. The approved plan shall be a condition of
29 and part of the permit. No person shall violate any such
30 conditions so imposed.

31 Section 10-8. Fees - Expiration; Extension.

32 Every permit issued hereunder shall expire at the end of

1 the period of time set out in the permit. However, no permit
2 period shall exceed twelve (12) months. The permittee shall fully
3 perform and complete all of the work required to be done within
4 one (1) year after the date of issuance unless specified otherwise
5 by the Department for good cause shown. If the permittee shall
6 be unable to complete the work within the specified time, he shall,
7 within thirty (30) days prior to expiration of the permit, present
8 in writing to the Department a request for an extension of time
9 not to exceed six (6) months, setting forth therein the reasons
10 for the requested extension. If, in the discretion of the
11 Director, such an extension is warranted, he may grant additional
12 time for the completion of the work for an additional fee that
13 shall be one-twelfth (1/12) of the original fee for each month
14 or part of month that the extension is granted. Where the
15 Director determines that the extension of time will require a
16 substantial modification of the grading, erosion and sediment
17 control plan, any extension of a permit shall be subject to
18 approval of a revised sediment control plan by the District.
19 Section 10-9. Fees - Revocation or Suspension.

20 (a) Any permit issued under this Article may be
21 revoked or suspended by the Director, after notice, for:

22 (1) Violation of the plan or of any other
23 condition of the permit.

24 (2) Violation of any provision of this ordinance
25 or any other applicable law, ordinance, rule or regulation relating
26 to the work.

27 (3) Existence of any condition or the doing of
28 any act constituting or creating a nuisance, hazard or
29 endangering human life or the property of others.

30 (b) In addition to the authority set forth in Subsection
31 (a), the Director and/or inspector may post a site with an order
32 directing the permittee to cease all land disturbing activity

1 being performed under permits issued under this ordinance when
2 such activity does not conform to the specifications, including
3 modifications thereof, of an approved plan or other conditions
4 of the permit issued hereunder, provided that:

5 (1) Written notice to comply will be furnished
6 within seven (7) days to the permittees by regular mail and
7 addressed to the address of the permittee as stated on the
8 application for a permit.

9 (2) The notice includes the nature of the
10 corrective measures required and the time within which corrections
11 shall be made.

12 (c) Nothing contained in this Section shall be
13 interpreted as restricting the Department from proceeding directly
14 with a cease and desist order or with alternative enforcement
15 procedures as set forth in Section 10-20.
16 Section 10-10. Performance Bond.

17 (a) The Director shall, before issuing a permit, require
18 a cash or corporate bond in the form and manner prescribed by the
19 County Attorney conditioned upon the faithful performance of the
20 conditions in the permit and soil erosion and sediment control
21 measures specified in the permit within the time specified by the
22 Director. Collateral required by this Section shall be Three
23 Hundred Dollars (\$300) plus ~~Two Cents (2¢)~~ THREE CENTS (3¢) per
24 square foot of the area included in the land disturbing activity,
25 plus such amounts as deemed necessary by the Director to secure
26 the cost of improvements required in approved plans. A corporate
27 bond shall be maintained and renewed annually and shall be
28 executed by a surety or guarantee company qualified to transact
29 business in the State of Maryland. A cash bond shall be deposited
30 with the Treasurer of Harford County who shall give his receipt
31 therefor, reciting that the cash has been deposited in compliance
32 with and subject to the provisions of this Section. The bond shall

1 obligate the principal, his executors, administrators, successors
2 and assigns, jointly and severally with the surety and shall inure
3 to the benefit of the County, its officers, employees and to any
4 person aggrieved by the principal's failure to comply with the
5 conditions thereof. The principal and the surety shall, under the
6 bond, continue to be firmly bound under a continuing obligation
7 for the payment of all necessary costs and expenses or
8 liabilities which may be incurred or expended by the Department
9 to meet the minimum requirements of this Article.

10 (b) Whenever the Department shall find that a default
11 has occurred in the performance of any term or condition of the
12 permit or bond, written notice thereof shall be given to the
13 principal and to the surety of the bond. Such notice shall state
14 the work to be done, the estimated cost thereof and the period
15 of time deemed by the Department to be reasonably necessary for
16 the completion of such work.

17 (c) If a cash bond has been posted, notice of default
18 as provided by the preceding paragraphs shall be given to the
19 principal, and if compliance is not had within the time specified,
20 the Department shall proceed without delay and without further
21 notice or proceedings whatsoever to use the cash deposited, or any
22 portion of such deposit, to cause the required work to be done by
23 contract or otherwise in the discretion of the Director.

24 (d) In the event of any default in the performance of
25 any term or condition of the permit or bond, the County, the
26 surety or any person employed or engaged on his behalf shall have
27 the right to go upon the site to complete the required work
28 necessary to control erosion and sedimentation or make it safe.
29 In the event the Department undertakes the required work or makes
30 the site safe with the funds from the forfeited cash or corporate
31 bond, such funds shall be used to pay the cost of contracting,
32 including engineering and administration, for necessary restoration

1 of the site to control erosion and sedimentation within the
2 requirements of the plan, permit, bond or this Article. If
3 the cost of the work necessary to control erosion and sedimentation
4 or to make it safe exceeds the amount of the cash or corporate
5 bond, the permittee shall continue to be firmly bound under a
6 continuing obligation for payment of all excess costs and expenses
7 incurred by the County. The cost and expenses shall be a lien
8 upon all property and all rights to property, real or personal,
9 of any person liable to pay the same from and after the time said
10 cost is due and payable. The cost shall be listed on the tax
11 bill and shall be collected in the manner of ordinary taxes.

12 (e) No person shall interfere with or obstruct the
13 ingress or egress to or from any such site or premises by an
14 authorized representative or agent of any surety or of the
15 Department engaged in completing the work required to be performed
16 under the permit or in complying with the terms or conditions
17 thereof.

18 (f) A corporate bond shall remain in full force and
19 effect until a completion certificate is issued pursuant to
20 Section 10-15. A cash bond shall be returned to the depositor
21 or to his successors or assigns upon issuance of a completion
22 certificate for the work in accordance with Section 10-15,
23 except any portion thereof that may have been used. Failure to
24 maintain the above required surety shall automatically operate
25 as a temporary revocation of any and all permits issued by Harford
26 County to the permittee, his predecessors or successors and
27 assigns in interest.

28 Section 10-11. Liability Insurance.

29 If, in the opinion of the Director, the nature of the
30 work is such that it may create a hazard to human life or endanger
31 adjoining property or property at a higher or lower elevation, or
32 any street or street improvement, or any other public property,

1 then the Director may, before issuing the permit, require that
2 the applicant for a permit file a certificate of insurance
3 showing that he is insured against claims for damages for personal
4 injury and property damage in an amount not less than Twenty-five
5 Thousand Dollars (\$25,000), including damage to the County by
6 deposit or washing of material onto County streets or other
7 public improvements, which may arise from or out of the
8 performance of the work, whether such performance be by himself,
9 his subcontractor or any person directly or indirectly employed
10 by him, and the amount of such insurance shall be prescribed by
11 the Director in accordance with the nature of the risks involved.
12 Such insurance shall be written by a company licensed to do
13 business in the State and approved by the County. Neither
14 issuance of a permit nor compliance with the provisions hereto
15 or any condition imposed by the Department shall relieve any
16 person from any responsibility for damage to persons or property
17 otherwise imposed by law, nor impose any liability upon the County
18 for damages to persons or property. Failure to maintain the
19 required liability insurance shall automatically operate as a
20 temporary revocation of any and all permits issued by Harford
21 County to the permittee, his predecessors or successors and
22 assigns in interest.

23 Section 10-12. Maintenance Bond.

24 The Director may, where he deems it necessary to protect
25 the property or health, safety or general welfare of other persons
26 or the public in general, require the permittee to post
27 a maintenance bond, IN THE FORM AND MANNER PRESCRIBED BY THE
28 COUNTY ATTORNEY, for a period of twelve (12) months following
29 the completion of the land disturbing activities for which the
30 permit was issued. The bond shall cover latent defects in or
31 labor and material required to maintain all grade surfaces, walls,
32 drains, dams, structures, slopes, vegetation and sediment control

1 measures and other protective devices and damages resulting from
2 construction equipment and vehicles doing work in that portion
3 of the area covered by the terms of the permit. The amount of
4 the bond shall be equal to or greater than ten percent (10%) of
5 the construction cost as determined by the Director.

6 Section 10-13. Inspection.

7 (a) No land disturbing activity shall proceed until
8 approved by the Department and the Soil Conservation District.
9 All work shall be performed in accordance with a schedule shown
10 on the approved plan or a revised schedule approved by the
11 Department and Soil Conservation District.

12 (b) After commencing initial land disturbing activity,
13 the Department shall inspect at the following stages:

14 (1) Upon completion of stripping, clearing and the
15 stockpiling of soil, but prior to related off-site land disturbing
16 activities.

17 (2) During rough grading, including hauling of
18 imported or wasted materials.

19 (3) Upon completion of rough grading, but prior to
20 placing topsoil, permanent drainage systems, ground covers or
21 other permanent site development improvements identified on the
22 approved plan.

23 (4) Upon completion of final grading, including
24 established ground covers and planting, and installation of all
25 vegetative measures and all other work in accordance with the
26 approved plan.

27 (c) The permittee shall notify the Department forty-eight
28 (48) hours before commencing any land disturbing activity. Upon
29 receiving such notice, the Department shall inspect the work and
30 notify the permittee of its approval or in what respect there
31 has been a failure to comply with the requirements of this Article.
32 Any portion of the work which does not comply shall be promptly

1 corrected by the permittee. The Department may make additional
2 inspections as it deems appropriate, and shall have the right
3 to waive inspections, except for the final inspection as provided
4 in Section 10-15.

5 (d) The Department shall maintain a permanent file of its
6 inspections.

7 (e) When sediment control plans for land disturbing
8 activities include the use of water retention structures such as
9 ponds, catch basins, related facilities and when such plans show
10 by affidavit that they have been prepared by a licensed
11 professional engineer or land surveyor and that said licensed
12 professional engineer or land surveyor will supervise the
13 construction of such facilities in accordance with the provisions
14 of such plans and regulations adopted in accordance with this
15 Article, the Director may waive the inspections required by this
16 Section. Before the issuance of a completion certificate in
17 accordance with Section 10-15, said licensed professional engineer
18 or land surveyor shall certify to the Department that the
19 facilities included on the approved plan have been constructed in
20 accordance with said plan or modifications made thereto and
21 approved by the Department and District.

22 Section 10-14. Maintenance of Structures, Measures and Devices.

23 The permittee or the owner of any property on which work
24 has been done pursuant to a permit granted hereunder, or any other
25 person or agent in control of such property, shall maintain in
26 good condition and promptly repair or restore all grade surfaces,
27 walls, drains, dams and structures, plantings, vegetation, erosion
28 and sediment control measures and other protective devices. Such
29 repair or restoration and maintenance shall be in accordance with
30 the approved plans, specifications and permits as required by
31 this Article until permanent measures are accepted by the
32 Department.

33 Section 10-15. Completion.

1 Immediately upon completion of the project, the permittee
2 shall notify the Department. The Department shall make a final
3 inspection and shall prepare a final inspection report, a copy
4 of which shall be submitted to the District.

5 If, upon final inspection of any work, it is found by the
6 Department that the work subject to inspection has been satisfac-
7 torily completed in accordance with the requirements of this
8 Article, the permit, conditions, plans, drawings and specifications,
9 as the case may be, and the required reports have been submitted,
10 a completion certificate covering such work shall be issued to the
11 owner by the Department. The Performance Bond will be returned
12 at this time.

13 Section 10-16. Protection to Adjacent Property During Excavation.

14 No person shall excavate on land sufficiently close to
15 the property line of another to endanger any adjoining property,
16 public street, sidewalk, alley or other public or private property
17 without supporting and protecting such public street, sidewalk,
18 alley or other property from settling, cracking or other damage
19 which might result from excavation. If, in the opinion of the
20 Director, the nature of the excavation is such as to create a
21 hazard to life or property unless adequately safeguarded, the
22 applicant shall construct such walls, fences, guard rails or other
23 structures to safeguard the public street, sidewalk, alley or
24 other property and persons using such, as the Director may
25 require.

26 Section 10-17. Deposits of Soil, Material or Liquid Prohibited.

27 (a) No person shall engage in any land disturbing
28 activity or by any action cause or permit any soil, earth, sand,
29 gravel, rock, stone or other material or liquid to be deposited
30 upon or to roll, flow or wash upon or over the premises of another
31 in a manner to cause damage to such premises without the express
32 consent of the owner of such premises affected; no person shall

1 engage in any land disturbing activity or by any action cause or
2 permit any soil, earth, sand, gravel, rock, stone or other
3 material or liquid to be deposited or to roll, flow or wash upon
4 or over any public street, street improvement, road, sewer,
5 storm drain, water course or right-of-way, or any public or
6 private property in a manner to damage or to interfere with the
7 use of such property.

8 (b) No person shall, when hauling soil, earth, sand,
9 gravel, rock, stone or other material over any public street, road,
10 alley or public property allow such materials to blow or spill
11 over and upon such street, road, alley or public property or
12 adjacent private property.

13 (c) If any soil, earth, sand, gravel, rock, stone or
14 other material or liquid is caused to be deposited upon or to roll,
15 flow or wash upon any public or private property in violation of
16 Subsections (a) and (b) above, the person responsible shall be
17 notified and shall cause IT to be removed from such property within
18 thirty-six (36) hours. In the event of an immediate danger to
19 the public health or safety, notice shall be given by the most
20 expeditious means and the material or liquid shall be removed
21 immediately. In the event it is not so removed, the Department
22 shall cause such removal and the cost of such removal by the
23 Department shall be paid to the County by the person who failed to
24 so remove the material and shall be a debt due the County. The
25 cost of such removal shall be a lien upon all property and all
26 rights to property, real or personal, of any person liable to pay
27 the same from and after the time said cost is due and payable.
28 The cost of such removal shall be listed on the tax bill and shall
29 be collected in the manner of said taxes, provided, however, that
30 nothing contained in this Section shall be interpreted as
31 prohibiting the Department from proceeding directly with
32 alternative enforcement procedures set forth in Section 10-20

1 or declaring a forfeiture of the posted security to the extent
2 of the cost insured by the County. Failure of the surety or
3 permittee from honoring the demands of the County for the costs
4 incurred shall automatically operate as a termination of all
5 permits issued by Harford County to the permittee, his
6 predecessors, successors and assigns in interest.

7 Section 10-18. Rules and Regulations.

8 (a) The Director may establish rules and regulations
9 for the administration of the provisions of this Article in
10 accordance with the established procedures of the Executive
11 Branch, with opportunity for full participation from the Harford
12 Soil Conservation District and shall obtain the recommendations
13 from the District prior to a public hearing being held. Such
14 rules and regulations and amendments thereto shall not conflict
15 with nor waive any provisions of this Article nor be less
16 restrictive than its provisions.

17 (b) Regulations promulgated pursuant to this Article
18 shall include, but not be limited to, the following provisions:

- 19 (1) Maximum duration of exposure.
- 20 (2) Critical slope of protection.
- 21 (3) On-site drainage controls.
- 22 (4) Protection of specimen trees.

23 Section 10-19. Exemptions.

24 The provisions of Section 10-11 and 10-12 and the
25 criminal provisions of Section 10-20 shall not apply to municipal
26 corporations, County or State-agencies within the State or any
27 combination thereof.

28 THE PROVISIONS OF SECTION 10-10, 10-11, 10-12 AND THE
29 CRIMINAL PROVISIONS OF SECTION 10-20 SHALL NOT APPLY TO MUNICIPAL
30 CORPORATIONS, COUNTY OR STATE AGENCIES WITHIN THE STATE OR ANY
31 PUBLIC SERVICE COMPANY AS DEFINED IN ARTICLE 78, SECTION 2 (O) OF
32 THE ANNOTATED CODE OF MARYLAND, 1976 SUPPLEMENT, OR ANY
33 COMBINATION THEREOF.

1 Section 10-20. Penalties.

2 Any person convicted of violating the provisions of this
3 Article shall be guilty of a misdemeanor, and upon conviction
4 thereof, shall be subject to a fine of not more than One Thousand
5 Dollars (\$1,000) for each and every violation. Each day that the
6 violation continues shall be a separate offense. In addition
7 thereto, the County may institute injunctive, mandamus or any
8 other appropriate action or proceedings at law or equity for the
9 enforcement of this Article or to correct violations of this
10 Article, and any court of competent jurisdiction shall have the
11 right to issue restraining orders, temporary or permanent
12 injunctions or mandamus or other appropriate forms of remedy
13 or relief.

14 Section 2. *And Be It Further Enacted*, that if any Section, clause,
15 phrase, word, provision or particular application of this Act is
16 for any reason held invalid or unconstitutional by any court of
17 competent jurisdiction, such Section, clause, phrase, word,
18 provision or particular application shall be deemed a separate,
19 distinct and independent provision or application and such holding
20 shall not affect the validity of the remaining provision or
21 subsequent application thereof.

22 Section 3. *And Be It Further Enacted*, that this Act shall take
23 effect sixty (60) days from the date it becomes law.

24 EFFECTIVE:
25
26
27
28
29
30
31
32

LIBER 3 PAGE 26
BY THE COUNCIL

Read the third time.

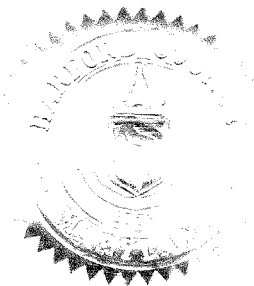
Passed LSD 76-37 November 9, 1976 (with amendments)

~~Failed of Passage~~

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 10th day of November, 1976
at 3:00 o'clock P.M.



Angela Markowski, Secretary

BY THE EXECUTIVE

APPROVED:

[Signature]
County Executive

Date 11-16-76

BY THE COUNCIL

This Bill, having been approved by the
Executive and returned to the Council, becomes law
on November 16, 1976.

Angela Markowski
Angela Markowski
Secretary of the Council

EFFECTIVE DATE: January 17, 1977

Rec'd for record 3/8 1977 at 2:30 P.M.
Same day recorded & examined, per
H. Douglas Chilcoat, Clerk